

Topsfield Zoning Board of Appeals

October 23, 2007

Chairman Moriarty called the meeting to order at 8:00 PM. Board members present were Bob Moriarty, Kristin Palace, Tony Penta, Lisa Stern-Taylor and Scott Dow. Roberta Knight, Community Development Coordinator was also present as well as the applicants, their representatives and interested residents. See attached attendance sheets for specific public hearings.

103 Main Street: Chairman Moriarty called the public hearing to order at 8:06PM to consider the application of Brian and Laura O'Connor for a finding pursuant to Article III, Section 3.05 of the Zoning By-Law for 103 Main Street, a non-conforming lot, for the renovation of a section of the existing structure from a half story to full story, raising the roof line for that section from 18 ft. to 23 ft. and 11 in. to match front section of existing house. Brian O'Connor, the applicant, was present and explained the project to the Board. The change in the roofline would provide more livable area within the existing structure. He noted that he had already been before the Historic Commission which has approved the requested changes to the structure. Member Kristin Palace made the motion to approve the project as proposed and rendered a finding in favor of the application; seconded by Scott Dow; so voted 5-0.

285 Boston Street: Chairman Moriarty called the public hearing to order at 8:15PM to consider the application submitted by Fiber Tower Corporation for a Special Permit to add four (4) antennas and related equipment to an existing Major Wireless Telecommunications Facility located at 285 Boston Street. Ms. Jennifer Lugee of Tower Management Inc. represented the applicant. Ms. Lugee noted that Fiber Tower Corporation is requesting to place four antennas at various heights on the existing tower and two 4'x4' equipment cabinets on an 8'x8' pad at the base of the tower. The antennas will provide an enhancement for the network.

Member Kristin Palace referred to the structural report and requested a clarification of the limitations listed on page four by the engineers concerning the foundation of the base of the tower. Member Scott Dow noted that a written authorization by the owner of the property (Richard Skeffington) would also be required. Chairman Moriarty requested that pictures of the existing tower be provided as well as pictures of a similar tower with the new requested equipment attached.

Chairman Moriarty made the motion to continue the public hearing to the November 27th meeting; seconded by Lisa Taylor; so voted 5-0.

6 Central Street: Chairman Moriarty call the public hearing to order at 8:30PM to consider the application of Won K. Choe for premises located at 6 Central Street requesting: (1.) a special permit pursuant to Article III, Section 3.05 to convert an

existing non-conforming residential structure to retail/office use and enlarge structure by adding a 150 sq. ft. area addition to the front of the building; (2.) a variance pursuant to Article IV, Section 4.02 to decrease front set back and increase density for non-conforming lot; (3.) a variance pursuant to Article III, Section 3.09 (c.) and Article IV, Section 4.05 for buffer strip requirements; (4.) a special permit pursuant to Article III, Section 3.09 (d.) and Article IV, Section 4.12 (B) to reduce the required on-site parking; and (4.) site plan review pursuant to Article IX of the Zoning Bylaw.

Attorney Richard Kallman, representing the applicant addressed the Board. He noted that the applicant would be requesting the same relief as in the June 2007 application. There would be no dry cleaners at the location. He also informed the members that the applicant has also reached out to the direct abutters David Pierce, Frank Iovanella, Brian Woodland, Ara Aftandilian concerning the present project application

Attorney Kallman further stated that abutter David Pierce has been approached relative to an easement on his property so that four (4) parking spaces with turnaround could be configured. Mr. Pierce has declined to grant an easement since he would prefer no wrap around traffic and have the cars back out. Chairman Moriarty stated a definite “no” to that alternative.

Mr. Kallman noted that the plans still show the existing easements, but said easements will be released. The issue with easements between 17-19 Main Street and 6 Central Street has been resolved. There will be three (3) parking spaces for 17-19 with new joint access for two separate septic systems.

Site Plan Review: Dan Ottenheimer of Mill River Consulting reviewed parking, access drainage and septic.

Parking: He presented two parking alternatives: (1.) four parking spaces in rear or (2.) 2 parking spaces in rear. In order to fit 4 spaces with a turning radius, an easement from David Pierce would need to be obtained. Two spaces in the rear would allow a turning radius.

Storm water Plan: Run off from the structure would go to catch basins and then to underground structures.

Septic: Relative to 6 Central Street, it has been approved by the Board of Health for a three bedroom flow at 330 gallons per day. Office use is below this daily flow.

At this time, Ara Aftandilian co-owner of 17-19 Main Street noted that this location would have three parking spaces, shared access with 6 Central Street and that the septic system for the property would be a rectangular system located under the property line. The septic plan has been filed with the Board of Health.

Building Review: Doug Greene, the architect commenced the presentation on alterations to the building consisting of:

- Front addition with 150 sq. ft. footprint (858 first floor; 762 second floor)
- Handicapped ramp with two passes
- New windows 6 over 6 panes
- New roof with architectural shingles

The Board members respectively noted their concerns relative to the addition and handicapped ramp both located at the front of the building (addition- 11.2 feet from street, then ramp 6 feet with three feet between them). In summary, the addition and ramp in the front would leave no room for landscaping, an esthetic issue and creates site distance problems for access and egress. There is also the issue as to how to get onto the ramp from a vehicle without blocking access to rear of lot where parking would be located. The expansion of the building for maximum economic value rather than recognize the footprint of the building on a small lot is the main problem in the site plan design. Nothing seems to fit the area. There is no room and the plan is straining to accommodate a commercial/retail use. Moreover, the Board members noted that it was difficult to approve a site plan with parking without knowing the specific retail use. If there is a change in use, it is inherent that one must comply with parking.

At this time, Attorney Kallman offered an alternate proposal to address the concerns of the Board:

- No addition
- Two parking spaces
- Relocation of ramp
- Limit to office use, similar to abutter David Pierce

The Board suggested that the applicant look at not carrying through the driveway to the right, look at stack parking to produce additional parking, and also look at the use of a small lift instead of a ramp. If the ramp is eliminated in front, the front could then be landscaped, such that the addition would not be so much of a problem. The total design needs to be right for the property and the Town.

Chairman Moriarty made the motion to continue the public hearing until the meeting of November 27, 2007; seconded by Kristin Palace; so voted 5-0.

53 Main Street: The Board members discussed the property at 53 Main Street relative to the non-conformance of the building, parking and sign with the special permit and plans approved by the Zoning Board:

- Type of windows on first floor
- Movement of foundation of building
- Location and condition layout of parking
- Lighting on sign improperly directed

- Employees not to be parking on site
- Need “As-built” plan

It was the consensus of the Board to forward a letter to the Inspector of Buildings to request the enforcement of the ZBA decision relative to the windows and request a proposal from the owner to mitigate the parking.

367 Boston Street: The Board members then discussed the Dunkin Donut’s construction project and change in curb-cut access to Route 1 by Mass Highway. Member Kristin Palace noted her concern that the new curb-cut changed the traffic pattern for access and egress to the Dunkin Donut site by directing additional traffic onto Ipswich Road creating more traffic congestion for the intersection. The special permit granted by the Zoning Board was based on a certain set of facts. Other concerns were also raised concerning the septic re-location resulting in above ground structure relocations, and the construction materials used for the stone wall. It was the consensus of the Board to request the owner to attend the next meeting of the Board to address these issues.

Minutes: Chairman Moriarty made the motion to approve the minutes of July 24, 2007 as written; seconded by Scott Dow; so voted 5-0.

The meeting was adjourned at 10:46 PM.

Respectively submitted,

Roberta M. Knight
Community Development Coordinator